

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NETWORK-1 SECURITY SOLUTIONS,
INC., a Delaware corporation,

Plaintiff,

vs.

CISCO SYSTEMS, INC., a California
corporation; CISCO-LINKSYS, L.L.C., a
California Limited Liability Company;
ADTRAN, INC., a Delaware corporation;
ENTERASYS NETWORKS, INC., a
Delaware corporation; EXTREME
NETWORKS, INC., a Delaware corporation;
FOUNDRY NETWORKS, INC., a Delaware
corporation; NETGEAR, INC., a Delaware
corporation; 3COM CORPORATION, a
Delaware corporation;

Defendants.

CASE NO. 6:08cv030-LED

Jury Demanded

Plaintiff Network-1's Proposed Verdict Form

VERDICT FORM

Question A: Infringement and Willfulness

Cisco Systems, Inc. ("Cisco")

A1. Has Network-1 proven, by a preponderance of the evidence, that Cisco has directly infringed the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Cisco.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A2. Has Network-1 proven, by a preponderance of the evidence, that Cisco has actively induced others to infringe the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Cisco.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A3. Has Network-1 proven, by a preponderance of the evidence, that Cisco has contributed to the infringement of the '930 patent by others? ("Yes" is a finding for Network-1. "No" is a finding for Cisco.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A4. Has Network-1 proven, by clear and convincing evidence, that Cisco's infringement (if found above) was willful? ("Yes" is a finding for Network-1. "No" is a finding for Cisco.)

_____ Yes _____ No

Cisco-Linksys, L.L.C. ("Linksys")

A5. Has Network-1 proven, by a preponderance of the evidence, that Linksys has directly infringed the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Linksys.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A6. Has Network-1 proven, by a preponderance of the evidence, that Linksys has actively induced others to infringe the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Linksys.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A7. Has Network-1 proven, by a preponderance of the evidence, that Linksys has contributed to the infringement of the '930 patent by others? ("Yes" is a finding for Network-1. "No" is a finding for Linksys.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A8. Has Network-1 proven, by clear and convincing evidence, that Linksys's infringement (if found above) was willful? ("Yes" is a finding for Network-1. "No" is a finding for Linksys.)

_____ Yes _____ No

Adtran, Inc. ("Adtran")

A9. Has Network-1 proven, by a preponderance of the evidence, that Adtran has directly infringed the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Adtran.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A10. Has Network-1 proven, by a preponderance of the evidence, that Adtran has actively induced others to infringe the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for Adtran.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A11. Has Network-1 proven, by a preponderance of the evidence, that Adtran has contributed to the infringement of the '930 patent by others? ("Yes" is a finding for Network-1. "No" is a finding for Adtran.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

Enterasys Networks, Inc. (“Enterasys”)

A12. Has Network-1 proven, by a preponderance of the evidence, that Enterasys has directly infringed the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Enterasys.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

A13. Has Network-1 proven, by a preponderance of the evidence, that Enterasys has actively induced others to infringe the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Enterasys.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

A14. Has Network-1 proven, by a preponderance of the evidence, that Enterasys has contributed to the infringement of the '930 patent by others? (“Yes” is a finding for Network-1. “No” is a finding for Enterasys.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

A15. Has Network-1 proven, by clear and convincing evidence, that Enterasys's infringement (if found above) was willful? (“Yes” is a finding for Network-1. “No” is a finding for Enterasys.)

____ Yes ____ No

Extreme Networks, Inc. (“Extreme”)

A16. Has Network-1 proven, by a preponderance of the evidence, that Extreme has directly infringed the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Extreme.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A17. Has Network-1 proven, by a preponderance of the evidence, that Extreme has actively induced others to infringe the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Extreme.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A18. Has Network-1 proven, by a preponderance of the evidence, that Extreme has contributed to the infringement of the '930 patent by others? (“Yes” is a finding for Network-1. “No” is a finding for Extreme.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A19. Has Network-1 proven, by clear and convincing evidence, that Extreme's infringement (if found above) was willful? (“Yes” is a finding for Network-1. “No” is a finding for Extreme.)

____ Yes ____ No

Foundry Networks, Inc. (“Foundry”)

A20. Has Network-1 proven, by a preponderance of the evidence, that Foundry has directly infringed the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Foundry.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A21. Has Network-1 proven, by a preponderance of the evidence, that Foundry has actively induced others to infringe the '930 patent? (“Yes” is a finding for Network-1. “No” is a finding for Foundry.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A22. Has Network-1 proven, by a preponderance of the evidence, that Foundry has contributed to the infringement of the '930 patent by others? (“Yes” is a finding for Network-1. “No” is a finding for Foundry.)

Claim 6: ____ Yes ____ No

Claim 9: ____ Yes ____ No

A23. Has Network-1 proven, by clear and convincing evidence, that Foundry's infringement (if found above) was willful? ("Yes" is a finding for Network-1. "No" is a finding for Foundry.)

_____ Yes _____ No

3Com Corporation ("3Com")

A24. Has Network-1 proven, by a preponderance of the evidence, that 3com has directly infringed the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for 3com.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A25. Has Network-1 proven, by a preponderance of the evidence, that 3com has actively induced others to infringe the '930 patent? ("Yes" is a finding for Network-1. "No" is a finding for 3com.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A26. Has Network-1 proven, by a preponderance of the evidence, that 3com has contributed to the infringement of the '930 patent by others? ("Yes" is a finding for Network-1. "No" is a finding for 3com.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

A27. Has Network-1 proven, by clear and convincing evidence, that 3com's infringement (if found above) was willful? ("Yes" is a finding for Network-1. "No" is a finding for 3com.)

_____ Yes _____ No

Question B: Validity

B1. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid as anticipated by the prior art? ("Yes" is a finding for the Defendants. "No" is a finding for Network-1.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

B2. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid for obviousness in view of the prior art? ("Yes" is a finding for the Defendants. "No" is a finding for Network-1.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

B3. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid for failing to name the correct inventors? ("Yes" is a finding for the Defendants. "No" is a finding for Network-1.)

Claim 6: _____ Yes _____ No

Claim 9: _____ Yes _____ No

B4. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid for lack of an adequate written description? (“Yes” is a finding for the Defendants. “No” is a finding for Network-1.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

B5. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid as not enabled? (“Yes” is a finding for the Defendants. “No” is a finding for Network-1.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

B6. Have the Defendants proven, by clear and convincing evidence, that any of the claims of the '930 patent are invalid for failure to describe the inventor’s best mode of carrying out the invention? (“Yes” is a finding for the Defendants. “No” is a finding for Network-1.)

Claim 6: ☐ Yes ☐ No

Claim 9: ☐ Yes ☐ No

Question C: Damages

If you have found that a Defendant has infringed either claim 6 or 9 of the '930 and that claim is not invalid, then you must determine what measure of damages to award Network-1 for that Defendants' infringement and set forth that award below.

Cisco

C1. What total amount of damages, if any, has Network-1 proven it is entitled to from Cisco? Write in your answer, which should be a dollar amount, here:

Linksys

C2. What total amount of damages, if any, has Network-1 proven it is entitled to from Linksys? Write in your answer, which should be a dollar amount, here:

Adtran

C3. What total amount of damages, if any, has Network-1 proven it is entitled to from Adtran? Write in your answer, which should be a dollar amount, here:

Enterasys

C4. What total amount of damages, if any, has Network-1 proven it is entitled to from Enterasys? Write in your answer, which should be a dollar amount, here:

Extreme

C5. What total amount of damages, if any, has Network-1 proven it is entitled to from Extreme? Write in your answer, which should be a dollar amount, here:

Foundry

C6. What total amount of damages, if any, has Network-1 proven it is entitled to from Foundry? Write in your answer, which should be a dollar amount, here:

3Com

C7. What total amount of damages, if any, has Network-1 proven it is entitled to from 3Com? Write in your answer, which should be a dollar amount, here:

SIGNATURE

DATE

FOREPERSON